

The stipulations as specifically set forth in the Award of the Administrative Law Judge are herein adopted by the Appeals Board. In addition, the respondent advised the Appeals Board that it did not intend to seek review of the issue involving the liability of the Kansas Workers Compensation Fund and, as such, continued involvement of the Kansas Workers Compensation Fund in this matter was unnecessary. The Fund, at the time of

oral argument, was dismissed by the Appeals Board with the Fund agreeing to be responsible for its own attorney fees.

ISSUES

- (1) Whether claimant suffered accidental injury arising out of and in the course of his employment with the respondent and, if so, was notice of the injury timely made?
- (2) Can claimant supplement the record after his terminal date without complying with K.S.A. 44-523.
- (3) If claimant has suffered permanent partial impairment as a result of said injury, what is the nature and extent of said disability?
- (4) Has respondent paid the maximum amount allowed for unauthorized medical on behalf of the claimant?

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire evidentiary record, and in addition the stipulations of the parties, the Appeals Board makes the following findings of fact and conclusions of law:

In reviewing the Award of the Administrative Law Judge the Appeals Board finds it both accurate and complete in analyzing the facts and in reaching conclusions of law regarding the issues in this matter. Finding it unnecessary to restate same, the Appeals Board, in adopting the Award of the Administrative Law Judge, incorporates same by reference in this Award as if fully set forth herein.

In adopting the opinion of Dr. Dale Darnell and awarding claimant a fourteen percent (14%) functional impairment to the body as a whole, the Administrative Law Judge has appropriately concluded claimant's entitlement to benefits in this matter. The Appeals Board, in adopting same, finds claimant to have a fourteen percent (14%) whole body permanent partial functional impairment as a result of the injuries suffered with the respondent on February 28, 1994.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Steven J. Howard dated October 24, 1995 shall be, and is hereby, affirmed in all respects and the Appeals Board adopts same in toto as though fully set forth herein.

IT IS SO ORDERED.

Dated this ____ day of February 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Daniel L. Smith, Overland Park, Kansas
T. L. Green, Topeka, Kansas
Jerry R. Shelor, Topeka, Kansas
Steven J. Howard, Administrative Law Judge
Philip S. Harness, Director